



U.S. Department of Justice

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February 8, 2007

BY CM/ECF

The Honorable Gregory M. Sleet
J. Caleb Boggs Federal Building
844 N. King St.
Room 4324
Lockbox 19
Wilmington, DE 19801

Re: *Delaware Audubon Society, et al. V. Secretary, U.S. Department of the Interior,*
CA No. 06-223 (D.Del.)

Dear Judge Sleet:

The purpose of this letter is to inform the Court that the parties have failed to reach settlement in this matter.

Counsel for the Federal Defendants have been clear from the beginning of the settlement negotiations that any final agreement reached in concept would require approval from the appropriate officials at both the Department of the Interior and the Department of Justice. Counsel has also been clear in filings with this Court that such approval would be required. *See* D.I. 18, 20, 21.

However, although counsel has in good faith sought the requisite approvals, the settlement reached in concept has not been finally approved. Therefore, the Federal Defendants are prepared to proceed with litigation of this matter.

Letter to Hon. Gregory M. Sleet

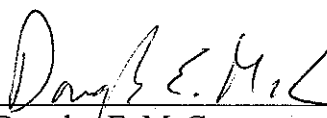
February 26, 2007

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Federal Defendants will file an answer or otherwise respond to the complaint no later than February 28, 2007.

Respectfully,

COLM F. CONNOLLY
United States Attorney

BY: 
Douglas E. McCann
Assistant United States Attorney

cc: Vivian A. Houghton, Esq.